

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Richard Earl Johnson, Jr.

Docket No. 5:12-CR-72-1-FL

Petition for Action on Supervised Release

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Richard Earl Johnson, Jr., who, upon an earlier plea of guilty to Possession With Intent to Distribute Cocaine and More than Five Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1); Using and Carrying a Firearm in Relation to a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1); and Aiding and Abetting, in violation of 18 U.S.C. § 2, was sentenced on June 13, 2003, by the Honorable John T. Copenhaver, United States District Judge, in the Southern District of West Virginia, to a 248-month term of imprisonment. On July 11, 2005, his imprisonment sentence was reduced to 120 months pursuant to Rule 35. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall submit to random urinalysis or any other drug screening method whenever the same is deemed appropriate by the probation officer and shall participate in a substance abuse program, including inpatient substance abuse treatment, as directed by the probation officer.
2. The defendant shall make monthly child support payments for his daughter, Mya, at the rate of \$200 per month until she reaches the age of 18 years.

Richard Earl Johnson, Jr, was released from custody on August 23, 2011, at which time the term of supervised release commenced in the Eastern District of North Carolina.

On February 14, 2012, jurisdiction was received in the Eastern District of North Carolina, after the Southern District of West Virginia was notified of the defendant's use of marijuana.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On February 8, 2013, a home visit was attempted at the defendant's residence. While in the neighborhood, the defendant was observed operating a motor vehicle. Johnson's North Carolina Driver's License is currently suspended. The defendant is in the process of resolving an old 1996 South Carolina driving offense which occurred prior to his incarceration which is preventing him from securing a valid license. The defendant was verbally reprimanded and instructed not to drive until properly licensed.

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As a condition of the defendant's supervised release, he was ordered to pay child support for "Mya" at the rate of \$200 per month until she reaches the age of 18. On December 16, 2003, the defendant was notified by the Rowan County Child Support Enforcement, Salisbury, North Carolina, that based upon a genetic test, he was excluded as the father of this child. Based upon this factor, it is respectfully requested that the condition requiring that he pay child support be stricken.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows: That the condition requiring the defendant to pay child support for Mya be stricken.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

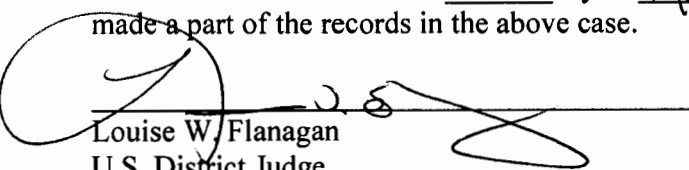
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: March 27, 2013

ORDER OF COURT

Considered and ordered this 28th day of Mar, 2013, and ordered filed and made a part of the records in the above case.


Louise W. Flanagan
U.S. District Judge